

purpose in filing an application or pleading without a specific showing of improper motivation." 7 FCC Rcd at 638 (¶25). Here, no such showing has been made. In *WWOR-TV*, the challenger decided to file its application before the incumbent had had any opportunity to establish a record of performance on which to formulate a valid challenge. The challenger's claimed motivation, *i.e.*, to replace the incumbent's inadequate programming, was thus incredible.

178. Here, by contrast, RBI had been airing home shopping programming for years before Adams's challenge, and Adams did not file its application until Adams was confident that RBI was in fact a home shopping station providing inadequate public service to its audience. Adams filed its application fully believing that RBI was not entitled to any renewal expectancy, and the evidence adduced in this hearing have borne out Adams's belief in that regard.

179. In short, the record establishes that Adams has not engaged in any abuse of process.

D. **ULTIMATE CONCLUSION**

180. This is not a difficult case.

181. Adams is basically qualified to be a licensee. The Phase III Issue must be resolved favorably to Adams.

182. By contrast, RBI is burdened with the recidivistic Mr. Parker, who was its dominant principal through the license term and continues to the present in that role. Mr. Parker engaged in fraud before the Commission in both *Mt. Baker* and *San Bernardino*. As Adams has argued in this proceeding, Mr. Parker continued his fraudulent ways before the Commission in a series of applications, including the WTVE(TV) Transfer Application. And as the Bureau acknowledges, Mr. Parker engaged in further deception of the Commission in the Dallas Amendment in October, 1992, and as recently as June, 2000, Mr. Parker offered inherently incredible testimony about the Dallas Amendment.

183. In addition to these obvious low points, the record is replete with many instances in which Mr. Parker has shaded the truth or simply ignored Commission rules which would have required the disclosure of information which might have been led to adverse consequences for him. The failure to file the MSA, the unauthorized transfer of control, the claims about the Earl Township zoning situation, the failure to file the Telemundo agreement, the Gaulke Letter -- the list runs on.

184. The unavoidable conclusion is that Mr. Parker cannot be relied on by the Commission to tell the truth, to be forthright and candid. And that means that RBI, which is effectively controlled by Mr. Parker, is subject to the same serious handicap.

To the extent that RBI has made representations to the Commission, it has generally done so through Mr. Parker. If the Commission cannot rely upon Mr. Parker, it cannot rely upon RBI.

185. In the jurisprudence of the Commission, nothing is clearer than this: licensees are required to be absolutely honest and forthcoming in their dealings with the Commission. Failure to be absolutely honest and forthcoming is fatal to an applicant's qualifications.

186. Here Mr. Parker has failed in that regard not once, not twice, but many times -- and, judging from his incredible testimony in this proceeding, he will continue to fail to meet those standards.

187. As a result, if Mr. Parker and RBI are found to be qualified in this proceeding, the Commission will be sending a strong and deleterious message to Mr. Parker and all other regulatees. That message will be: forget *WOKO*, forget *Fox River*, forget *Swan Creek*, forget *Schoenbohm*, forget *Contemporary Media*, forget all precedent which suggests that honesty and candor are important. Cut corners, dissemble, distract, take whatever steps you like to avoid having to tell the Commission things the Commission might not want to hear. And don't worry if you get caught, because you will still be given ample opportunity to come up with incredible explanations which, even though they are not believed, will not get you into trouble.

188. Obviously, that message would fly in the face of more than half a century of case law. Adams submits that rejection of that extensive precedent would be inappropriate and ill-advised in this case. Instead, the Phase II Issue should be resolved

adversely to RBI, and its application should be denied.

189. But even if RBI is ultimately deemed to be qualified, the standard comparative renewal issue must be resolved in Adams's favor. As the Bureau agrees, Adams enjoys comparative preferences under the diversification and comparative coverage criteria.

190. In view of the Bureau's assessment of the separate comparative factors, the Bureau's failure to identify Adams as the more qualified applicant is surprising. This is especially so in view of the Bureau's determination that Mr. Parker engaged in deceit in 1992 and then provided incredible testimony about that deceit in 2000. RBI, by contrast, is entitled to no comparative preferences. To the contrary, its showing under the "renewal expectancy" standard establishes that RBI has squandered the opportunity to serve the public. In so doing, it has violated multiple Commission rules and policies and, as noted above, is saddled with the record of the untruthful Mr. Parker.

191. Instead of taking a position, the Bureau concludes its PFC by urging the parties to settle. This is ironic in the extreme. Adams has just been forced to litigate an issue under which a predisposition to settle could have been seen as requiring disqualification of Adams. But now the Bureau, presumably representing the Commission, is urging Adams to do that which the Presiding Judge, presumably representing the Commission, has indicated through the addition and trial of a qualifying issue Adams should not even think about doing. The crossed signals being sent by the agency are unmistakable, if incomprehensible.

192. For the record, Adams states again that it did not file its application for the

purpose of entering into a settlement, and since filing its application Adams has had no interest in entering into a settlement. As has been stated on the record, Adams did agree to consider engaging in settlement discussions around the time of the June, 2000 hearing sessions. Adams's willingness in that regard was a response to the Bureau's strenuous arm-twisting -- again, an odd activity for the Bureau to engage in on the eve of the Phase III trial focusing on Adams's supposedly sinister (but in fact non-existent) settlement orientation.

193. That exercise was entirely futile despite Adams's full cooperation. From Adams's perspective, the Bureau-sponsored settlement effort failed because of a total lack of cooperation from RBI.

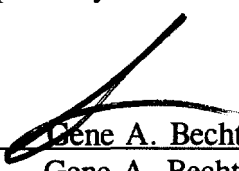
194. Having placated the Bureau once already without even a glimmer of result, Adams believes that the Bureau's Pollyannaish notion that some settlement will suddenly materialize must be declared a failure, and the Bureau should take a position on the disposition of the Channel 51, Reading, authorization. So that everyone is clear, Adams has no intention of considering any settlement of this proceeding.

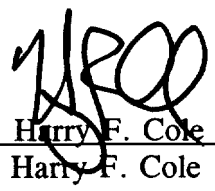
195. When all is said and done, the comparative issue necessarily reduces to a choice between Adams and RBI. Adams has no blemishes on its record, it enjoys substantial preferences, and it stands ready to construct and operate a station devoted to public service to Reading. RBI has no preferences but has many blemishes on its record: a number of admitted rule violations, a number of clear rule violations as to which RBI is in denial, a programming record which is stunning in its lack of public service, a failure to invest in public service, and an extensive and continuing history of untruthfulness

before the Commission.

196. However these factors may ultimately be calculated for final comparative purposes, they can legitimately lead to only one result: Adams must be deemed the superior applicant, and its application must be granted.

Respectfully submitted,

/s/   
Gene A. Bechtel

/s/   
Harry F. Cole

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Corporation

October 23, 2000

**Attachment A**

The listing below includes all items logged as "PSA" on the Station WTVE(TV) program log for October 1, 1993, which is included in the record as Adams Exh. 7, pages 3-12. The "Page#" column below indicates the page of Adams Exh. 7 at which the listed PSA may be found. Items in the shaded area are denoted as "not broadcast" because, according to the program log, *id.*, the station was off-the-air for several hours on October 1, 1993.

Page #	Date	Break	TITLE	Duration	Not Broadcast
5	10/1/93	1	HAVE YOU SEEN ME?	1:00	
5	10/1/93	1	READING MUSEUM/KEYSTONE	1:00	
5	10/1/93	1	CRIME STOPPERS	0:30	
5	10/1/93	2	HEADLINES/DISORDERS	1:00	x
5	10/1/93	3	HUMANE SOCIETY	1:00	x
5	10/1/93	3	AL-ANON/LUPUS/WOMENS WORK	1:00	x
5	10/1/93	4	TROUT UNLIMITED	1:00	x
5	10/1/93	5	T.E.C. NETWORK	0:30	x
5	10/1/93	5	ENVIRONMENT/SCRUFF	1:00	x
5	10/1/93	5	BCCIL/SUNNERSSS	1:00	x
5	10/1/93	6	PARKING LOT/REALITY	1:00	x
6	10/1/93	7	RMF	0:30	x
6	10/1/93	7	RESCUE LEAGUE/SMOKEY BEAR	1:00	x
6	10/1/93	7	READING MUSEUM/LIONS CLUB	1:00	x
6	10/1/93	8	TROUT UNLIMITED #2	0:30	
6	10/1/93	8	BERKS COUNTY LITERACY COAL.	0:30	
6	10/1/93	9	HEPATITIS B/TREE CITY	1:00	
6	10/1/93	9	EMER. PHYSCIAN/ROCK. CHAIRS	1:00	
6	10/1/93	9	CHILDRENS HEALTH INSURANCE	0:30	
6	10/1/93	10	USHER/BEANS	1:00	
6	10/1/93	11	HAVE YOU SEEN ME?	1:00	
6	10/1/93	11	HEADLINES/DISORDERS	1:00	
6	10/1/93	11	BERKS COUNTY LITERACY COAL.	0:30	
6	10/1/93	11	CRIME STOPPERS	0:30	
6	10/1/93	12	READING MUSEUM/LIONS CLUB	1:00	
7	10/1/93	13	WEATHER	0:30	
7	10/1/93	13	HEALTH REPORT	3:00	
7	10/1/93	15	WEATHER	0:30	
7	10/1/93	15	TAKE 3 #11	3:00	
7	10/1/93	16	USHERS/BEANS	1:00	
7	10/1/93	17	WEATHER	0:30	
7	10/1/93	17	THE INFORMATION MOMENT #4	3:00	
7	10/1/93	17	BERKS COUNTY LITERACY COAL.	0:30	
8	10/1/93	19	WEATHER	0:30	
8	10/1/93	19	NEWS TO YOU	2:00	
8	10/1/93	19	EMER. PHYSCIAN/ROCK. CHAIRS	1:00	
8	10/1/93	19	T.E.C. NETWORK	0:30	
8	10/1/93	21	COMMUNITY OUTREACH #31	3:00	
8	10/1/93	21	COMMUNITY CALENDAR	1:30	
8	10/1/93	23	KIDS KORNER #20	3:00	
9	10/1/93	25	EDERLY REPORT	3:00	
9	10/1/93	25	CHILDRENS HEALTH INSURANCE	0:30	
9	10/1/93	27	TAKE #9	3:00	
9	10/1/93	27	COMMUNITY CALENDAR	1:30	
9	10/1/93	29	NEWS TO YOU	2:00	
9	10/1/93	29	HUMANE SOCIETY	1:00	
9	10/1/93	29	CRIME STOPPERS	0:30	
10	10/1/93	31	COMMUNITY OUTREACH #32	3:00	
10	10/1/93	31	T.E.C. NETWORK	0:30	
10	10/1/93	32	HEPATITIS B/TREE CITY	1:00	
10	10/1/93	33	KIS KORNER #19	2:30	
10	10/1/93	33	EMER. PHYSCIAN/ROCK/ CHAIRS	1:00	
10	10/1/93	34	RMF	0:30	
10	10/1/93	35	HEALTH REPORT	3:00	
10	10/1/93	35	COMMUNITY CALENDAR	1:30	
11	10/1/93	37	TAKE 3 #9	3:00	
11	10/1/93	39	NEWS TO YOU	2:00	
11	10/1/93	40	TROUT UNLIMITED #3	0:30	
11	10/1/93	41	THE INFORMATIVE MOMENT #4	3:00	
11	10/1/93	41	COMMUNITY CALENDAR	1:30	
12	10/1/93	43	COMMUNITY OUTREACH #31	3:00	
12	10/1/93	44	CRIME STOPPERS	0:30	
12	10/1/93	45	GREATER RDG./WOMEN IN CRISIS	1:00	
12	10/1/93	47	KIDS KORNER #20	3:00	
12	10/1/93	48	HAVE YOU SEEN ME?	1:00	

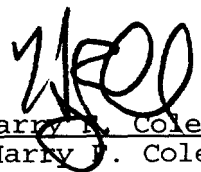
CERTIFICATE OF SERVICE

I hereby certify that, on this 23rd day of October, 2000, I caused copies of the foregoing "Consolidated Reply of Adams Communications Corporation to Proposed Findings of Fact and Conclusions of Law" to be hand delivered (as indicated below), addressed to the following:

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/s/ Harry P. Cole  
Harry P. Cole